

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
 Washington, D C 20554

RECEIVED

In the Matter of )

SEP 26 2003

Petition of Cox Virginia Telcom, Inc )

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Pursuant to Section 252(e)(5) of the )

CC Docket No 00-249

Communications Act for Preemption )

of the Jurisdiction of the Virginia )

State Corporation Commission )

Regarding Interconnection Disputes )

with Verizon-Virginia, Inc and )

for Arbitration )

**MOTION FOR LEAVE TO RESPOND  
 TO VERIZON JULY 29 LETTER**

Cox Virginia Telcom, Inc ("Cox") hereby requests leave to file a letter in response to the July 29, 2003 letter of Karen Zacharia (the "July 29 Letter") on behalf of Verizon Virginia, Inc ("Verizon") in the above-captioned proceeding.<sup>1</sup> Acceptance of Cox's response to the July 29 Letter will ensure that the Commission has full information concerning the issues in this proceeding and is necessary to ensure procedural fairness.

The July 29 Letter makes certain claims regarding state and federal proceedings concerning the subject matter of Verizon's Petition for Reconsideration of the Commission's resolution of Issue I-6 in this arbitration. Cox's response addresses those claims and demonstrates why they are incorrect. Thus, Cox's response will advance the Commission's consideration of the issues in this proceeding.

It also is appropriate to permit a response because Cox otherwise will have no opportunity to answer Verizon's claims, which have been presented outside the normal pleading

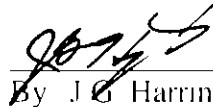
<sup>1</sup> The response is being filed contemporaneously with this motion.

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cycle for petitions for reconsideration<sup>2</sup> Consequently, the Commission should grant leave for Cox to file a response

Respectfully submitted,

COX VIRGINIA TELCOM, INC



By J E Harrington  
Jason E Rademacher

Its Attorneys

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September 26, 2003

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<sup>2</sup> 47 C F R § 1.106 (describing permissible pleadings on reconsideration)

## CERTIFICATE OF SERVICE

I, Vicki Lynne Lyttle, a legal secretary at Dow, Lohnes & Albertson, PLLC do hereby certify that on this 26 th day of September, 2003, copies of the foregoing Motion for Leave to File Response to Verizon July 29 Letter were served as follows

### **TO FCC as follows (by hand):**

William Maher, Chief (8 copies)  
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Federal Communications Commission  
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Jeffrey Dygert  
Common Carrier Bureau  
Federal Communications Commission  
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Washington, DC 20554

Cathy Carpino  
Common Carrier Bureau  
Federal Communications Commission  
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### **TO AT&T as follows: (by Overnight Delivery)**

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Washington, DC 20005

Mark A. Keffer  
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### **TO VERIZON as follows: (by Overnight Delivery)**

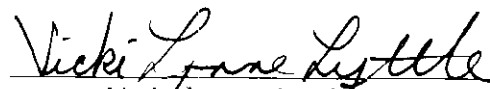
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### **TO VERIZON as follows: (by Hand Delivery)**

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### **TO WORLDCOM as follows (by Overnight Delivery):**

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Vicki Lynne Lyttle